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OCT. 14 2005

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****PATENT**

In re application of: Daruwalla, et al.

Attorney Docket No.: CISCPI22/1242

Application No.: 09/484,611

Examiner: PHAN, MAN U

Filed: January 18, 2000

Group: 2665

Title: METHOD FOR A CABLE MODEM TO  
RAPIDLY SWITCH TO A BACKUP CMTS**CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being transmitted via  
facsimile to the United States Patent and Trademark Office, Attention:  
Examiner PHAN, MAN U at facsimile number 571-273-8300 on  
October 14, 2005

Signed: 

Natalie Morgan

**TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321  
TO OBVIATE AN OBVIOUSNESS-TYPE  
DOUBLE PATENTING REJECTION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The owner(s), Cisco Technology, Inc., of the entire interest in the above-identified application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§154 to 156 and §173 of prior United States Patent No. 6,839,829 (hereafter "prior patent"), as presently shortened by any terminal disclaimer. The owner(s) hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the above-identified application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§154 to 156 and §173 of the prior patent, as presently

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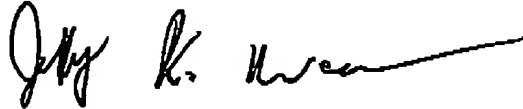
shortened by any terminal disclaimer, in the event that the prior patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321, has all claims canceled by a reexamination certificate, is reissued or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an agent or attorney of record.

The Commissioner is hereby authorized to charge the required fees to Deposit Account No. 500388 (Order No. CISC122).

Respectfully submitted,

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